

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

REMARKS

This Amendment is being filed concurrently with an RCE.

The Office Action mailed January 12, 2008, has been carefully reviewed and, by this Amendment, Applicant has canceled claims 5 and 46, and amended claims 1, 6, 16, 21, 22, 29, 31, 32, 37, 48, 53, 54, 60 and 61, and added claims 64 and 65. Claims 1-4, 6-45, 47-61, 64 and 65 are pending in the application. Claims 1, 21, 31, 37, 53, 60 and 61 are independent.

The Examiner rejected claims 60 and 61 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, the Examiner stated that designation of "a computer readable medium" in each of these claims would normally make the claims statutory but that the specification at page 20, lines 2-6, defined the claimed computer readable medium as encompassing non-statutory subject matter, namely "an optical signal, electrical signal...". Applicants request reconsideration of what is stated on page 20, lines 2-6. In particular, the noted text identifies various computer readable mediums including ROM, DVD, floppy disc, etc. The text then introduces a second, alternate, category of storage medium upon which the computer program could be stored, namely the various signals noted. But this second category of storage medium is not considered by the Applicant, nor stated on

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

page 20 of the specification, as being a type of computer readable medium. On the contrary, the second category of storage medium in the form of signals is stated to be an *alternative* to computer storage mediums. Therefore, Applicants' use of "a computer readable medium" in each of claims 60 and 61 is statutory, and withdrawal of the rejection is requested.

The Examiner rejected claims 1, 2, 5, 12-17, 20-23, 29, 31-33, 37, 38, 42-46, 48-51, 53-55 and 60-63 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,801,576 to Haldeman et al. ("Haldeman") in view of U.S. Patent No. 5,946,297 to Calvignac et al. ("Calvignac"). Also under 35 U.S.C. 103(a), the Examiner rejected claims 3, 24, 34, 39 and 56 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Pub. No. US2001/0056578 to Hwang et al. and U.S. Patent No. 6,888,443 to Ritter, rejected claims 4, 25, 35, 40 and 57 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Pub. No. US2003/0018976 to Wasilewski, rejected claims 6, 7, 9 and 47 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Patent No. 6,798,756 to Kosugi, 8 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Pub. No. US2005/0226324 to Ouyang et al., rejected claims 10, 11, 18, 19, 26, 30, 36, 52 and 59 as being unpatentable over

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

Haldeman in view of Calvignac and further in view of U.S. Patent No. 7,305,697 to Alao et al., rejected claims 27, 28 and 58 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Patent No. 4,361,851 to Asip et al., and rejected claim 41 as being unpatentable over Haldeman in view of Calvignac and further in view of U.S. Patent No. 5,818,441 to Throckmorton et al.

The present invention as variously set forth in independent claims 1, 21, 31, 37 and 53, is directed to a method and system for broadcasting television-quality programs in real time to a client device, the programs being received and processed by a production process center, transmitted from the production process center to a remote service provider computer, and then transmitted from the remote service provider computer to the client device. To guarantee the quality of service necessary to broadcast television quality programs to the client device from the production process center, the television programs are transmitted over dedicated, uncontended connection lines which ensure that the user has a guaranteed amount of bandwidth at all times on the lines. In addition, the dedicated uncontended line between the production process center and the remote service provider computer is a dual connectivity line which ensures the required level of

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

redundancy to allow for the failure of one of the lines at any given time without loss of the television quality program by the client device (see the original specification on page 23, lines 5-6). This is not shown by the prior art.

In rejecting claims 5 and 46 which had previously set forth that the dedicated uncontended line between the production process center and the remote service provider computer was a dual connectivity line, the Examiner stated that this was disclosed by Haldeman where the internet serves as a dual connection link. However, as now clarified in claims 1, 21, 31, 37 and 53, the dual connection link being claimed is a dedicated uncontended line. The internet cannot be considered to provide a dedicated uncontended communication channel, as is understood by persons of skill in the art. Since Calvignac also fails to disclose a dedicated uncontended *dual connectivity* connection line, claims 1, 21, 31, 37 and 53 as amended are patentable over the prior art.

Claims 60 and 61 are also in condition for allowance for the same reasons as claims 1, 21, 31, 37 and 53. More particularly, claims 60 and 61 are directed to a computer readable medium including a computer program that has instructions for causing a computer to carry out the method steps which correspond

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

to those set forth in claims 1 and 21, respectively, as already discussed.

Claims 2-4, 6-20, 22-30, 32-36, 38-45, 47-52, 54-61, 64 and 65 are in condition for allowance as claims properly dependent on an allowable base claim and for the subject matter contained therein.

With particular reference to claims 16, 29, 48 and 54 the present invention may further include a data center computer (23) having data center memory intermediate the production process center (2) and the service provider computer (3) and connected to the production process center (2) and the service provider computer (3) by way of the dedicated uncontended dual connectivity connection line (6). The dedicated uncontended dual connectivity line leaves the production process center by two separate distinct points and transfers data to the data center computer (23) by entering the data center computer (23) at two separate and distinct points also (see the original specification at page 23, lines 5-10). This is clearly not shown by the prior art.

With the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance.

Serial No.: 10/517,826
Atty. Docket No.: P70311US0

Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By *John C. Holman* g.d. 40,495
for John C. Holman
Reg. No. 22,769

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
Telephone: (202) 638-6666
Date: June 11, 2009
JCH:SCB

J:\2009\05-09\P70311US.amd.wpd